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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

September 8, 1978

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS
FROM: CASHMERE M. APPERSON, ELECTIONS TECHNICIAN

Pursuant to Elections Code 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed initiative constitutional amendment filed with all county clerks is less than 100 percent of the number of qualified voters required to find the petition sufficient.

TITLE: STATE FUNDING OF EDUCATION
SUMMARY DATE: March 24, 1978
PROPONENT: Richard L. Mudgett

The petition has failed and no further action is necessary.

NEWS RELEASE

Office: Secretary of State March Fong Eu
925 I Street, Suite 600, Sacramento, CA 95833
(916) 224-1111

For Immediate Release
September 7, 1978

Contact: Michael S. Gagan

TWO INITIATIVES FAIL SAYS SECRETARY OF STATE EU

SACRAMENTO -- Secretary of State March Fong Eu today (Sept. 7) officially announced the failure of two initiative drives.

"The Public Morals Initiative and State Funding of Education Initiative Constitutional Amendment have both failed to qualify for the ballot," Ms. Eu announced.

The Public Morals Initiative, a statutory initiative, sponsored by John Harmer of Roseville and James Clancy of Sun Valley, needed 312,404 valid signatures by August 21 to ensure qualification for the June 1980 primary election.

The second initiative, State Funding of Education Initiative Constitutional Amendment, sponsored by Richard Mudgett of Coronado, needed 499,846 qualified signatures by August 21 to qualify for the June 1980 primary election.

In order to qualify for the November 1978 election an initiative would have had to be certified as having a sufficient number of signatures by June 29, 1978.

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Office of the Secretary of State
March Fong Eu

111 Capitol Mall, Room 220
Sacramento, California 95814

Elections Division
(916) 445-0820

March 24, 1978

TO ALL COUNTY CLERKS/REGISTRARS OF VOTERS

Pursuant to Section 3513 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

STATE FUNDING OF EDUCATION
INITIATIVE CONSTITUTIONAL AMENDMENT

Circulating and Filing Schedule

1. Minimum number of signatures required 499,846
Constitution II, 8(b).
2. Official Summary Date Friday, 3/24/78
Elections Code Section 3513.
3. Petition Sections:
 - a. First day Proponent can circulate
Sections for signatures Friday, 3/24/78
Elections Code Section 3513.
 - b. Last day Proponent can circulate and
file with the county. All Sections are
to be filed at the same time within each
county. Monday, 8/21/78 +
Elections Code Sections 3513, 3520(a).
 - c. Last day for county to determine total
number of signatures affixed to petition
and to transmit total to Secretary of
State Monday, 8/28/78

+ IMPORTANT NOTE: This petition must be filed with the County Clerk or Registrar of Voters by May 4, 1978 to ensure that it will be verified by the county in time to qualify for the November 7, 1978 General Election. August 21, 1978 is the last date which the petition may legally be filed. However, a petition filed on that date could qualify for a later election.

Please call me at (916) 445-0820 if you wish further explanation of this note.

(If the Proponent files the petition with the county on a date prior to 8/21/78, the county has 5 working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit this total to the Secretary of State.)
Elections Code Section 3520(b).

- d. Last day for county to determine number of qualified electors who have signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Tuesday, 9/12/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who signed the petition on a date prior to 8/28/78, the last day is not later than the fifteenth day after the notification.)
Elections Code Section 3520(d), (e).

- e. If the signature count is between 499,861 and 549,831 then the Secretary of State notifies counties using the random sampling technique to determine validity of all signatures.

Last day for county to determine actual number of all qualified electors who signed the petition, and to transmit certificate, with a blank copy of the petition to the Secretary of State Thursday, 10/12/78

(If the Secretary of State notifies the counties to determine the number of qualified electors who have signed the petition on a date prior to 9/12/78, the last day is not later than the thirtieth day after the notification.)
Elections Code Section 3521(b), (c).

4. Campaign Statements:

Last day for Proponent to file a Campaign Statement of Receipts and Expenditures for period ending 9/18/78 Monday, 9/25/78

(If the Secretary of State finds that the measure has either qualified or failed to qualify on a date earlier than 8/21/78, the last date to file is the 35th calendar day after the date of notification by the Secretary of State that the measure has either qualified or failed to qualify. The closing date for this campaign statement is 7 days prior to the filing deadline.)
Government Code Section 84204.

5. The proponent of the above named measure is:

Richard L. Mudgett
170 Acacia Way
Coronado, CA 92118

WILLIAM N. DURLEY
Assistant to the Secretary of State
Elections and Political Reform

Cashmere M. Apperson

CASHMERE M. APPERSON
Elections Technician

CMA:mp

NOTE TO PROPONENT: Your attention is directed to Elections Code Sections 41, 44, 3501, 3507, 3508, 3516, 3517, and 3518 for appropriate format and type considerations in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Your attention is further directed to the campaign disclosure and petition circulating requirements of the Political Reform Act of 1974.

DECLARATION OF MAILING

RE: STATE FUNDING OF EDUCATION - INITIATIVE CONSTITUTIONAL
AMENDMENT

I, Mona Amaro, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; I reside in the County of Sacramento, State of California; my business address and place of employment is 555 Capitol Mall, Suite 350, Sacramento, California 95814

The proponent(s) of the above named measure are:

Richard L. Mudgett
170 Acacia Way
Coronado, CA 92118

On the 24th day of March, 1978, I mailed a letter, a true copy of which is attached hereto, to the person(s) above named, in an envelope addressed to them at the address(es) set out immediately below the name(s), sealed said envelope(s), and deposited the same in the United States mail at the City of Sacramento, County of Sacramento, State of California, with postage thereon fully prepaid, and there is regular communication between the said place of mailing and the place(s) so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on March 24, 1978.



MONA AMARO



OFFICE OF THE ATTORNEY GENERAL

Department of Justice

555 CAPITOL MALL, SUITE 350

SACRAMENTO 95814

(916) 445-9555

March 24, 1978

FILED

In the office of the Secretary of State
of the State of California

MAR 27 1978

MARCH FONG EU, Secretary of State

By Cashmere M. Apperson
Deputy

Honorable March Fong Eu
Secretary of State
925 L Street, Suite 605
Sacramento, CA 95814

Attention: Rico Nannini

Re: State Funding of Education - Initiative
Constitutional Amendment

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby informed that on this day we mailed to Richard L. Mudgett, as proponent, the following title and summary:

STATE FUNDING OF EDUCATION - INITIATIVE CONSTITUTIONAL AMENDMENT. Requires full state funding by July 1, 1981, without use of real estate or personal property tax moneys to provide equal educational opportunity for all students attending accredited private or public kindergarten, elementary, secondary schools and community or junior colleges of parents' or adult student's choice. Establishes commission to accredit schools and establish admission standards for participating community and junior colleges. Provides funds for accredited schools through state-issued vouchers used by parents or adult students. Limits first year state expenditures. Provides standards for setting maximum appropriations thereafter. Prohibits local taxation to support education. Financial impact: Would reduce local property taxes by \$7 billion to \$8 billion in 1981-1982 and would produce a net increase in state costs of between \$5.6 billion and \$6.6 billion in 1981-1982. Impact on state revenues is unknown. After 1981-1982, state costs will grow by an unknown amount.

Honorable March Fong Eu
Page Two
March 24, 1978

Enclosed herewith is a declaration of mailing thereof, and
a copy of the proposed measure.

According to information available in our records the
address and phone number of the proponent of this measure
are as stated on the declaration of mailing.

Very truly yours,

EVELLE J. YOUNGER
Attorney General


GEOFFREY L. GRAYBILL
Deputy Attorney General

GLG:ma
Enclosures

AMENDMENT TO ARTICLE IX, Section 5, 6 and 8 and ARTICLE XIII, Section 21 of the CALIFORNIA STATE CONSTITUTION
Delete Section 5 of Article IX and add:
State Supported Equal Educational Opportunity Scholarship Voucher Funding System
Section 5

Every student in the kindergarten elementary, and secondary schools and the community or junior colleges of California is entitled to an equal educational opportunity. The right to an equal educational opportunity shall not be affected by the wealth or poverty of the school district in which the person to whom the right is guaranteed resides, nor shall the right to an equal educational opportunity be abridged by the Legislature, any state commission, or by any agreement or contract entered into by any individual, school district, commission, or the state.

By July 1, 1981, the Legislature, without the use of any real estate or personal property tax monies, shall establish and maintain an Equal Educational Opportunity Scholarship Fund sufficient to pay for the full cost of providing an equal educational opportunity for all kindergarten, elementary and secondary students, and the community and junior college students in California who are enrolled in any public school or in any private school qualified pursuant to Sections 5.1 through 5.3 of this article.

Each student shall be entitled to a share of this Equal Educational Opportunity Fund which shall be equal except for variations deemed appropriate by the Legislature including, but not limited to, those based on age, curriculum, and vocational education, area cost factors and educational need.

The parent, parents, guardian or guardians, herein called parents, of a minor student or an adult student eligible to utilize the Equal Educational Opportunity Scholarship Fund shall have the right, unrestricted by geographical or governmental boundaries, to freely choose which eligible public or eligible private school the eligible person may attend. This right of free choice shall not be abridged or regulated in any manner by the Legislature, the state, or any other commission, institution, or individual.

Scholarship funds shall be issued by the state in the form of a voucher to the parents of a minor student or to an adult student eligible to receive scholarship funds who shall then become the absolute legal owner of the voucher. The state shall issue the voucher in a form that may be cashed by the qualified school of attendance at commercial money institutions.

A student share, herein to be known as an Equal Educational Opportunity Scholarship Voucher, shall be the student's admission certificate at all public schools and at those private schools who wish to participate and are in compliance with the provisions of Sections 5.1 through 5.3 of this article.

Schools owned and operated by public authorities, including community colleges, shall herein be called Public Scholarship Schools. Private schools, including private junior colleges, accepting vouchers under provisions of Sections 5.1 through 5.3 of this article shall be subject to the provisions of Sections 5.1 through 5.3 of this article and shall herein be called Private Scholarship Schools. Scholarship schools shall maintain a minimum number of instructional days per year, to be fixed by the Legislature.

Accreditation of Public and
Private Scholarship Schools - Section 5.1

Funds made available from the Equal Educational Opportunity Scholarship Fund may be expended only for the purposes of obtaining educational services from those Scholarship Schools whose academic programs are accredited by an accrediting commission established by the Legislature, membership of which shall include an equal number of representatives from public education, private education, business, labor, members of the public at large, and the Superintendent of Public Instruction. The accrediting commission shall use the same accreditation standards for the academic programs of both public and private scholarship schools. The terms of the accrediting commission members shall not exceed 3 years with the exception of the Superintendent of Public Instruction whose term will be his elective term in office.

The full cost of the accredited program of instruction at eligible scholarship schools shall be paid with the Equal Educational Opportunity Scholarship Voucher presented to the school of attendance by the parents of the pupil or by an adult student and shall include, but not be limited to, the cost of books and all other educational materials and tools. No additional payment for the accredited program of instruction shall be required of the parents of a minor student or of an adult student attending public or private scholarship schools. Local governments are prohibited from levying any taxes for the purpose of supporting educational programs.

Enrollment in Scholarship
Schools - Section 5.2

No person shall be denied enrollment in any school receiving Equal Educational Opportunity Scholarship Vouchers because of race, color, nationality, place of origin, or sex. Equal Educational Opportunity Scholarship Vouchers may be used at an eligible public or private scholarship school which traditionally has had a policy of admitting only students of one sex. The accrediting commission shall establish student eligibility and admission standards for all participating public

community colleges and private junior colleges. The Legislature shall set minimum attendance standards for pupils to remain qualified for Equal Educational Opportunity Scholarships.

Testing and Information - Section 5.3

The Legislature shall establish a thorough and efficient system of information which shall fully inform the parents of school-age pupils, including nonliterate parents and guardians, concerning all relevant characteristics, including achievement data of scholarship schools located within the geographical area from which the parents may choose.

All schools receiving Equal Educational Opportunity Scholarship Vouchers shall post together in plain view, in their enrollment office: (a) Article IX, Sections 5 through 5.4 of the California State Constitution, (b) in elementary and secondary schools the subject school's comparative standings on all basic academic subjects for each grade on a state and national level according to annually administered tests approved by the Superintendent of Public Instruction.

Funding for Transportation, Disabilities and Special Educational Needs - Section 5.4

The Legislature shall provide additional funds and student certification requirements for eligible students with special educational needs, educational handicaps and disabilities. Additional funds for transportation for pupils in kindergarten through the twelfth grades, who are eligible to receive Equal Educational Opportunity Scholarship Vouchers, shall be provided, as deemed appropriate, by the Legislature. The additional funds provided under this section shall be added to each certified pupil's basic scholarship. The Legislature shall ensure that the Federal Aid, within the limits of Federal law, shall be employed to advance the objectives of this article.

First Year Funding Limitations - Section 5.5

The total state expenditure for the first year's cost of implementing the provisions of this amendment shall not exceed the combined total cost of all local and state funds, including administration, services, and support which were expended during the preceding twelve months for all kindergartens, elementary and secondary schools, and community colleges under the control of the state. The Legislature shall use only the preceding year's school fund expenditure, and the following year's projected enrollment figures and consumer price index to set the following year's maximum appropriation level of funds for the support of education affected by the provisions of this amendment after the first year of its establishment

Article IX, Section 6

Delete paragraphs 1 and 4 of Section 6.

Sectarian Schools - Public Money -

Doctrines - Section 8

Change Section 8 to read: No public money shall ever be appropriated for the support of any sectarian or denominational school or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the public schools of the state.

A minor student's parents or an adult student may use an Equal Educational Opportunity Scholarship Voucher in sectarian or denominational schools and in schools not under the exclusive control of the officers of the public schools if such schools are in compliance with Sections 5.1 through 5.3 of this article. A student's desire to freely exercise religion shall not be abridged by the denial of an Equal Educational Opportunity Scholarship Voucher. The use of an Equal Educational Opportunity Scholarship Voucher at an eligible private school, including a sectarian or denominational school, is herein deemed not to be an appropriation, a grant, a payment, or an aid to such a school in that the scholarship funds are appropriated in the form of a voucher to the parents of a minor student or to an adult student and is their absolute legal possession until it is surrendered to the school of attendance freely selected by the parents or the adult student.

Severable Provisions

If any provision of this amendment or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this amendment which can be given effect without the invalid provision or application, and to this end, the provisions of this amendment are severable.

Article XIII, Section 21

Delete Section 21. (Delete School District Taxing Authority.)